

HOOVER CITY COUNCIL MINUTES OF MEETING

DATE: October 17, 2016
TIME: 6:00 P.M.
PLACE: Hoover Municipal Center
PRESENT: Mayor Gary Ivey
Mr. Jack Wright, Council President
Mr. John Greene, Council Member
Mr. John Lyda, Council Member
Dr. Casey Middlebrooks, Council Member
Admiral Jack Natter, Council Member
Mr. Joe Rives, Council Member
Mr. Gene Smith, Council Member

ALSO PRESENT: Mr. Charlie Waldrep, City Attorney, Waldrep Stewart & Kendrick
Ms. Leslie Klasing, Waldrep Stewart & Kendrick
Ms. April Danielson, Waldrep Stewart & Kendrick
Mr. Rob Rosenberg, Waldrep Stewart & Kendrick
Ms. Patricia Guarino, Hoover Library
Mr. Tommy Daniel, Director, Public Works
Chief Nick Derzis, Police Chief
Mr. Frank Lopez, Director, Revenue and Taxation
Mr. Craig Moss, Director, Parks and Recreation
Mr. Allen Pate, Executive Director
Mr. Ben Powell, Purchasing Director
Mr. Tim Westhoven, Assistant Executive Director
Chief Chuck Wingate, Fire Chief
Mr. Jim Wyatt, Director, Inspection Services
Mr. Robert Yeager, Finance Director
Mr. Bob House, House Consultants

The meeting was called to order by Council President Jack Wright.

The clerk had roll call and a quorum was present.

The clerk gave the invocation.

The Pledge of Allegiance was led by Mr. Rives.

Mr. Wright recognized three very special guests in the audience and introduced Mrs. Nancy Natter, Mrs. Bonnie Rives and Mrs. Bet Wright. He also recognized Mrs. Melody Green and former Council Member, Jody Patterson and said he was glad they could all be in attendance.

1. REPORTS

Mr. Wright announced that several candidates were present to address the Council tonight. The following candidates each came forward to address the City Council and the audience and ask for their support:

- **Tamara Harris Johnson, Candidate, Jefferson County Circuit Civil Court, Place 22**

- **Brandon Falls, Candidate, Jefferson County District Attorney**
- **Mr. Joe Zeck spoke on behalf of Nakita Blocton, Candidate, Jefferson County Circuit Court Judge, Place 20**
- **Pat Thetford, Candidate, Jefferson County Circuit Court Judge, Place 11**
- **Clyde Jones, Candidate, Jefferson County Circuit Court Judge, Place 14**
- **Shera Grant, Candidate, Jefferson County District Court Civil Judge**
- **Julie Palmer, Candidate, Jefferson County Circuit Court Judge, Place 20**
- **William A. "Tony" Bell Jr., Candidate, Jefferson County District Judge, Place 4**

Mr. Wright recognized Mrs. Bell in the audience and welcomed her to Hoover.

Mr. Wright asked Mr. Pate about an appointment to the Educational Building Authority. Mr. Pate stated that he recommended Mr. Charles Schweers. Mr. Smith made a motion to nominate **Charles Schweers** for the vacancy on the **Educational Building Authority**. Mr. Rives seconded the motion. On voice vote the motion carried unanimously.

Mr. Wright asked **Representative David Faulkner** and the family of Brian Skelton to come forward for a presentation. Representative Faulkner stated he was asked by Gene Smith and John Lyda on behalf of the Council and the Mayor to seek a resolution to name a bridge in honor of Brian Skelton. He said it was a great privilege to do so as he had worked with Brian briefly and he had always been so nice to him when he was young and running for office. Representative Faulkner said that every member of the House that represents Hoover joined in the resolution designating the bridge over Paradise Lake on Alabama Highway 150 in Hoover the **Brian L. Skelton Sr. Memorial Bridge**. Representative Faulkner proceeded to read the Resolution in full and on behalf of the Mayor and City Council presented Angel Skelton with the Resolution signed by Governor Bentley and passed by the entire legislature.

2. **APPROVAL OF MINUTES**

Mr. Wright stated each member of the Council had previously received a copy of the minutes of the October 3, 2016 regular meeting, October 11, 2016 special meeting and October 13, 2016 work session.

Mr. Smith made a motion that the minutes be approved as presented and to dispense with the reading. This motion was seconded by Admiral Natter. Mr. Wright called for discussion. There being none, on voice vote the motion carried unanimously.

3. **RESOLUTION NO. 5479-16 – BID NO. 02-16-2A – HOOVER RECREATIONAL COMPLEX – CIVIL PACKAGE 2A**

The City Attorney read Resolution No. 5479-16. This would award Bid No. 02-16-2A for the Hoover Recreational Complex Civil Package to Saiia Construction Company, in the amount of \$7,992,628.00; theirs being the lowest responsible bid meeting all specifications and requirements. This resolution would also authorize the Mayor to execute a contract with said company for the work to be performed.

Mr. Rives made a motion to **approve Resolution No. 5479-16**. This motion was seconded by Admiral Natter. Mr. Wright called for comments or questions from the Council. Mr. Wright

then stated he understood this came in approximately \$2.8 million under the estimates. Mr. Pate stated that was correct.

Mr. Wright called for questions from the audience. There being none, on voice vote the motion carried unanimously.

4. **RESOLUTION NO. 5480-16 – ACCEPTANCE OF PUBLIC IMPROVEMENTS WITHIN THE PUBLIC ROAD RIGHT-OF-WAY OF TRACE CROSSINGS SECTOR 28 SUBDIVISION.**

The City Attorney read Resolution No. 5480-16. This would accept public improvements within the public road right-of-way of Trace Crossings Sector 28 subdivision.

Mr. Smith made a motion to **approve Resolution No. 5480-16**. This motion was seconded by Admiral Natter. Mr. Wright called for comments or questions from the Council. Admiral Natter asked if the subdivision has sidewalks in it. Mr. House responded that the sidewalks were in and completed.

Mr. Wright called for comments from the audience. There being none, on voice vote the motion carried unanimously.

5. **RESOLUTION NO. 5481-16 – AUTHORIZE MAYOR TO EXECUTE AMENDMENT TO EXTEND HEALTH SERVICES AGREEMENT WITH QCHC, INC. REGARDING INMATE HEALTH SERVICES TO THE MUNICIPAL JAIL**

The City Attorney read Resolution No. 5481-16 to authorize the Mayor to execute an amendment to extend the health services agreement with QCHC, Inc. regarding inmate health services to the municipal jail.

Mr. Smith made a motion to **approve Resolution No. 5481-16**. This motion was seconded by Mr. Greene. Mr. Wright called for discussion from the Council.

Mr. Wright called for comments from the audience. There being none, on voice vote the motion carried unanimously.

6. **RESOLUTION NO. 5482-16 – DECLARE POLICE VEHICLES AS SURPLUS TO BE SOLD TO LAW ENFORCEMENT AGENCIES.**

The City Attorney read Resolution No. 5482-16. This would declare police vehicles as surplus to be sold to law enforcement agencies.

Mr. Smith made a motion to approve **Resolution No. 5482-16**. This motion was seconded by Mr. Greene. Mr. Wright asked for any questions from the Council or the audience. There being none, on voice vote the motion carried unanimously.

7. **RESOLUTION NO. 5483-16 – AUTHORIZE MAYOR TO EXECUTE CLAIMS SERVICE AGREEMENT WITH ALTERNATIVE SERVICE CONCEPTS, LLC**

The City Attorney read Resolution No. 5483-16 that would authorize the Mayor to execute a claims service agreement with Alternative Service Concepts, LLC.

Mr. Smith made a motion to approve **Resolution No. 5483-16**. The motion was seconded by Mr. Greene. Mr. Wright asked for any questions or comments from the Council. Mr. Smith asked Mr. Pate to briefly describe what the resolution does. Mr. Pate asked Ms. Reba McFee

for an explanation. Ms. McFee said this is the third party administrative agreement that handles our property and casualty claims. Mr. Wright asked if there were any additional questions from the Council or the audience. There were no additional questions or comments and on voice vote the motion carried unanimously.

8. **RESOLUTION NO. 5484-16 – AUTHORIZE RENEWAL OF CASUALTY INSURANCE WITH ARGONAUT (ALTERIS) INSURANCE COMPANY FOR ONE YEAR AND AUTHORIZE MAYOR TO EXECUTE NECESSARY DOCUMENTS TO BIND COVERAGE.**

The City Attorney read Resolution No. 5484-16 that would authorize renewal of casualty insurance with Argonaut (ALTERIS) Insurance Company for one year and authorize Mayor to execute necessary documents to bind coverage.

Mr. Smith made a motion to approve **Resolution No. 5484-16**. The motion was seconded by Mr. Greene. Mr. Wright asked for any comments or questions from the Council or the audience and there were none. On voice vote the motion carried unanimously.

9. **RESOLUTION NO. 5486-16 – AUTHORIZE MAYOR TO EXECUTE CONTRACT WITH C.M.N.L.L., INC. REGARDING CONSTRUCTION OF AN ACCESS ROAD ON AND ACROSS PROPERTY OWNED BY THE CITY IN ORDER TO GAIN ACCESS TO C.M.N.L.L., INC. OWNED PROPERTY.**

The City Attorney read Resolution No. 5486-16 that would authorize the Mayor to execute a contract with C.M.N.L.L., Inc. regarding construction of an access road on and across property owned by the City in order to gain access to C.M.N.L.L. Inc. owned property.

Admiral Natter made a motion to approve **Resolution No. 5486-16**. The motion was seconded by Mr. Lyda. Mr. Wright asked for comments or questions from the Council.

Mr. Greene asked for a briefing on the resolution. Mr. Rob Rosenberg explained that this is an agreement with C.M.N.L.L. Inc., under the terms of which the Council would pay the lesser of the appraised value of property that C.M.N.L.L. transferred to ALDOT for the purpose of allowing the City to construct a turn lane into the new facility for the UAB Emergency Room. The City would pay the lesser of the appraised value of that property or \$150,000 and it is contingent upon the corporation constructing an access road across city owned property to connect to corporation owned property. Mr. Greene asked what business the road would lead to. Mr. Waldrep stated he believed it would be an Anthony's car wash and a restaurant. Mr. Greene clarified that it would lead to two private businesses. Mr. Waldrep explained it is commercial property and is going to be a restaurant and an additional Anthony's Car Wash. Mr. Greene stated privately owned businesses. Mr. Waldrep stated that is correct. Mr. Greene asked if the City has a history of this type action; paying for a road to private businesses. Mr. Waldrep explained that what we have is this corporation that gave up property so that the City could build a free-standing ER without going through the condemnation process. He said if the City had to have gone through that then in all probability the ER would not be built today. It would still be in litigation. He said he thinks the City does have a history of paying people for property that the City takes. He said it is going to be the responsibility of the business to build the road and they are under obligation to build the road. Mr. Wright stated they will not receive any money until the road is built. Mr. Waldrep concurred. Mr. Rosenberg noted however that the agreement does not state that. Mr. Greene said his question is does the city have a history of

building any roads to private businesses. Mr. Lyda brought up Medford Drive and said there is precedent to do this to spur economic development and foster business within our City. Mr. Pate said that Medford Drive was built to private property within the last two years. Admiral Natter said he understands that \$150,000 was the low bid that Anthony's had on building that road and Mr. Waldrep stated that's what he was told. Dr. Middlebrooks clarified that the business would be building the road; not the City. Mr. Waldrep said that is correct. Mr. Greene asked if the ER was the only business being served by Medford Drive. Mr. Pate explained that Medford Drive serves Sprouts, McDonald's, Jimmy Johns and others but it dead ends at what is known as the Beers property at the far end and ties right in which makes the possibility for that road to go on over the hill and tie back in at Lake Crest and Chevron if there is ever a need for that. Mr. Smith asked if there had been other infrastructure. He said he knows at one time they were trying to assist with the Bluff Park Shopping Center but the owners didn't want to take advantage of that. Mr. Pate said he believes they could find several instances and mentioned Doug Baker Boulevard and Hugh Daniel Drive. He said he was sure there are several more if he had the opportunity to research it.

Mr. Wright asked for further discussion from the Council or the audience; there was none and he asked the Clerk for a roll call vote. The votes were as follows: Mr. Greene, "Nay"; Mr. Lyda, "Yea"; Dr. Middlebrooks, "Yea"; Admiral Natter, "Yea"; Mr. Rives, "Yea"; Mr. Smith, "Yea"; and Mr. Wright, "Yea". The motion carried.

10. RESOLUTION NO. 5485-16 – AMEND BUDGET FYE 9/30/16

The City Attorney read Resolution No. 5485-16 to amend the budget for fiscal year ending 09/30/16.

Admiral Natter made a motion to approve **Resolution No. 5485-16**. The motion was seconded by Mr. Rives. Mr. Wright asked for comments or questions from the Council or the audience and there were none. On voice vote the motion carried unanimously.

11. ABC APPLICATION – (040 RETAIL BEER AND 060-RETAIL TABLE WINE) BFA INVESTMENTS LLC., d/b/a DEEP DISH – 3000 MEADOW LAKE DRIVE, STE. 113

Mr. Wright stated this is a request for approval of an ABC Application (040 – Retail Beer and 060- Retail Table Wine) for BFA Investments LLC., d/b/a Deep Dish, 3000 Meadow Lake Drive, Ste. 113. This is a new business at a previously approved location.

Mr. Lyda made a motion to approve the **ABC Application**. This motion was seconded by Mr. Rives. Mr. Wright called for comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

12. PUBLIC HEARING – CONDITIONAL USE – CONSTRUCT 40 (FORTY) TOWNHOUSES AND A PARK ACROSS GRAND AVENUE FROM THE ROSS BRIDGE WELCOME CENTER.

Mr. Wright stated this is the public hearing to consider the request of Mr. Richard A. Johnson II, representing SB Dev Corp., for Conditional Use approval to construct 40 (forty) townhouses and a park to be located across Grand Avenue from the Ross Bridge Welcome Center. The property is owned by SB Dev Corp and is zoned PC-Planned Commercial (P&Z Case #C-0916-11).

Mr. Lyda made a motion to **approve the conditional use**. Mr. Rives seconded the motion. Mr. Wright asked for any comments from the Council.

Mr. Lyda said this is the proposal that came through Planning & Zoning without opposition and will get rid of 110 multi-family units that have been on the books for Ross Bridge since it began. He said that upon its passage, if it passes, there will no longer be any additional multi-family units within that community.

Mr. Wright asked for additional comments or questions from the Council or the audience. There were none and on roll call vote of the Council the votes were as follows: Mr. Greene, "Yea"; Mr. Lyda, "Yea"; Dr. Middlebrooks, "Yea"; Admiral Natter, "Yea"; Mr. Rives, "Yea"; Mr. Smith, "Yea"; and Mr. Wright, "Yea". The motion carried unanimously.

13. **RESCHEDULE THE FOLLOWING PUBLIC HEARINGS PREVIOUSLY SET FOR NOVEMBER 7, 2016 AT 6:00 P.M. TO MONDAY, NOVEMBER 21, 2016 AT 6:00 P.M.**

Mr. Wright stated that the following public hearings are hereby rescheduled for Monday, November 21, 2016 at 6:00 p.m.

- a. Mr. Joseph A. Miller III, MTM Engineers, Inc., is requesting to rezone two parcels approximately 8.96 acres located at 821 Alford Avenue and 2120 Tyler Road from A-1 Agriculture District to PRD Planned Residential Development District. This property is owned by R. W. Carleton and Patricia Clark. *PZ Case #Z-0816-08. Ordinance No. 16-2313.*
- b. Richard A. Johnson II, representing SB Dev Corp., is requesting an amendment to the Blackridge PUD for the purpose of adding one parcel consisting of approximately 108 acres to be zoned PR-1 Planned Single Family District-Medium Density. This property is owned by P.R. Wilborn, LLC and is currently not zoned by the City of Hoover. *PZ Case #C-0916-11. Ordinance No. 16-2314.*
- c. Warren Bailey, representing Blue Rain Express Car Wash, LLC, is requesting **Conditional Use** approval for an express car wash and detailing services to be located at the southwest corner of Hwy 119 and Tattersall Drive. This property is owned by EBSCO Industries, Inc. and is zoned C-2 Community Business District. *PZ Case #C-0916-12.*

14. **SET PUBLIC HEARING FOR MONDAY, NOVEMBER 21, 2016 AT 6:00 P.M.**

Mr. Wright stated that a public hearing is hereby set for Monday, November 21, 2016 at 6:00 p.m. to consider the request of Keith S. Nelson for Conditional Use approval for Anthony's Car Wash to be located at 2420 John Hawkins Parkway in the ATI Industrial Park Subdivision. This property is owned by C.M.N.L.L., Inc. and is zoned C-2 Community Business District (P&Z Case #C-1016-13)

15. **PAYMENT OF BILLS**

Mr. Smith made a motion that the bills be paid as submitted. This motion was seconded by Mr. Greene and Mr. Rives. Mr. Wright called for questions or comments from the Council or the audience. There being none, on voice vote the motion carried unanimously.

Mr. Wright recognized **Mr. Smith** who commented that this is the **last meeting for several council members** and he would like to say to the Mayor, Council President Wright, Joe Rives and Admiral

Natter that he is a better person for having served with them and they have all inspired him in different ways. He said he truly appreciates the time they have spent with the Council and the time they gave to the City. Dr. Middlebrooks concurred.

Mr. Lyda said he would like to add that while this is the last official meeting there will be some **special recognition at the November 3rd work session** and all are invited back to honor those individuals.

Mr. Wright next recognized **Mr. Rives** who said it has been his honor and privilege to serve the citizens of Hoover for the last 12 years on the Board of Zoning Adjustments, the Planning Commission and the City Council. He said it was his goal to make positive contributions to the City and hopefully that has happened. He said he discovered during his stay how blessed the City of Hoover is by having such outstanding people who work for the City in the various departments. He said they are the ones who make Hoover such a truly great place to live, raise a family, work and operate a business. He thanked his fellow council members for the opportunity to serve on the Council with them this last 20 months.

Mr. Wright next recognized **Admiral Natter** who said he is one of 9 children and the oldest of 7 boys. His parents advice to them years ago was that they should get a good education, serve their nation and community, find a good wife and then have fun. He said he certainly has had a good education, served his country and community for over 50 years and was very fortunate to marry up. He said President Wright was very kind to recognize his wife in the audience earlier but he asked her again to stand and be recognized. He said their daughters had taken the same advice. The oldest daughter is a First Responder in California with the Department of Justice, the second daughter is in Senegal working at the U.S. Embassy and is still in the Navy; and their third daughter is a pediatric nurse practitioner with the Navy and is living in Tennessee. He thanked everyone who had given him an opportunity to serve over the years. His service with the city started after he retired from the Navy. His nephew was on the City Council at the time and asked him to be part of the new Veterans Committee. Admiral Natter stated that at that time Councilman Wright and Gary Ivey were on the Council and Tony Petelos was the Mayor. He said his first inclination was to say no because he wanted a little time to relax and then he remembered what his Dad said about serving the community, so he said yes. He continued to serve on the Veterans Committee until Mayor Petelos took the job as Jefferson County Manager and Gary Ivey became Mayor and asked him if he would consider filling his vacant seat on the City Council; which he did. Admiral Natter said he was thankful for Mayor Ivey and the leadership of the Council over the last six years. He noted that while they do not always agree on everything they do vote to the good of the City of Hoover. He said that is the sole goal. He stated that for the new Council there is no question in his mind they are going to have some rough seas the first couple of months or so but as he always says, in the long run, steady as she goes. The City is on a good, sound fiscal foundation and they have absolutely wonderful department heads and the employees of the City of Hoover are the best of any City in the State of Alabama. He said it had been a sincere pleasure working with everyone. They had made him a better person and had given him more than he had given and he sincerely appreciated that. Last but not least, he thanked those who had not agreed with the Council all the time. He told Mr. Fulton he appreciated him being there as well as Ms. Crane and a couple of others that are normally at the Council meetings. He thanked them for keeping the Council's feet to the ground and letting them know where the public stood at various times. He thanked Jon Anderson for not misquoting him. He closed by expressing his gratitude again to the citizens of the City of Hoover for the

opportunity to serve; and he said, as they say in the Navy, 'I will see you on the waterfront and I wish you fair winds and following seas'.

Mr. Wright spoke next saying it had been his privilege and honor to serve the City of Hoover for two decades under five mayors and 24 fellow council members. He stated he had been here five decades and seen the town go from 400 to near 90,000. He witnessed a big name fight in 1966 as to whether the town would be Green Valley or Hoover and said that people did not speak for years over that fight. Mr. Wright stated that Hoover became a city in 1967. He said he was very proud to have seen Hoover form its own school system. He noted there are two important things about the schools; they are our future and they make the real estate go up in value. He stated that the day the schools do not improve is the day real estate will not improve either. He said Mr. Robert Yeager had been great in helping the City become the financial leader that it is. Hoover currently holds a AAA rating. He thanked the employees who bust it every day to make Hoover great and said he believed that Hoover's best days are ahead. He said he also believed they are leaving the ship in great hands and he had great confidence in Frank Brocato and the new Council. He closed saying that we always want to remember that the day we quit trying to be better is the day we cease being great.

Mayor Ivey next spoke saying it had been his honor to serve this Council since 2004. He said they had made a lot of headway and are leaving it in good hands. Mayor Ivey said it had been his honor to serve and he appreciated all of the support. He said the staff had been incredible. He believes Hoover has the best staff in the State of Alabama and he appreciates all that has been done to support him.

Mr. Wright asked **Mr. Waldrep** for his comments. Mr. Waldrep said he has had a number of great opportunities over his lifetime to serve in a number of positions. He stated he had served as Chief of Staff to the Governor and as city attorney in several places and this is as good a group of folks as he had ever been around. He said he had never seen more committed employees. One of the things that make it so easy to be the city attorney in Hoover is that there are such good people like Allen Pate, Robert Yeager, Bob House, Margie Handley and Denise Roberson. Anything the attorneys needed all they had to do was ask and that really made his job easy. He said he couldn't have done it without his staff and thanked Rob Rosenberg, Leslie Klasing, April Danielson and Nic Waddell. Mr. Waldrep then stated that without Mayor Ivey none of it would have been possible as he is the one that appointed him. He thanked the Mayor for having the confidence in him four years ago to allow him to be the city attorney.

Mr. Wright said he would leave the last word to **Allen Pate** and Mr. Pate said he believed he had his word several weeks ago so he would simply say tonight to the Skelton family that the signs have been ordered for the bridge per state specifications, they will have a brown background with 6 inch white letters and as soon as those signs arrive the Public Works department will install them.

There were no further comments and the meeting was adjourned.